

MHST010011192019



Received on : 25.03.2019
Registered on : 28.03.2019
Decided on : 10.08.2026
Duration : Ys. Ms. Ds.
07 04 16

**IN THE COURT OF MOTOR ACCIDENT CLAIM TRIBUNAL
AT : SATARA**

(Presided over by S.R.Tamboli, Member, M.A.C.T. Satara)

Motor Accident Claim Petition No.83 OF 2019

Exhibit No.42

- 1) **Ranjana Ganesh Hirave,**
Age: 32 years, Occupation:-Household,
- 2) **Aditya Ganesh Hirave,**
Age: 10 years, Occupation.: Education,
- 3) **Aniket Ganesh Hirave ,**
Age: 8 years, Occupation.: Education,
Applicant No.2 and 3 being minors through
G.A.L. applicant No.1.
- 4) **Malan Maruti Hirave,**
Age: 65 years, Occupation.: Nil,
Nos.1 to 4 all R/o:- Jawalwadi, Post-Medha,
Taluka-Jawali, District Satara.

... Applicants.

Versus

- 1) **Premjit Sitaram Gade,**
Age: 32 years, Occupation.: Transport Business,
R/o:- Keskarwadi, Taluka-Jawali,
District-Satara.

2) HDFC ERGO General Insurance Company Ltd.

R/o:-205, Second Floor, Gera Legend,
Next to German Bakery, North Main
Road, Koregaon Park, Pune-1

...Respondents

DEATH CLAIM U/S.166 OF MOTOR VEHICLES ACT

APPEARANCE :

Mr. H. V. Veer, Advocate for the Applicants.

Mr. G. M. Pharande, Advocate for Respondent No.1

Mr. S. B. Govekar, Advocate for Respondent No.2

JUDGMENT

(Delivered on 10th August, 2026)

1. In the present application, the applicants have claimed compensation under Section 166 of the Motor Vehicles Act.

2. In brief, the case of the applicants is that on 17/10/2018 at about 12:30 a.m., on the Mumbai-Pune Highway within the limits of Lodhawali Village, Taluka Khalapur, District Raigad, the deceased, Ganesh Hirave, was travelling in Truck No. MH-11-CH-2101 as a trainee driver. The truck was proceeding on the left side of the road. At that time, respondent No. 1 was driving the said truck. Respondent No. 1 drove the truck at an excessive speed and in a rash and negligent manner and dashed it against a stationary truck standing on the side of the road. The deceased was seated on the left side of the cabin of the truck driven by

respondent No. 1. In the said accident, he sustained grievous injuries and succumbed to them. Respondent No. 1 is responsible for the death of the deceased. At the time of the accident, the deceased was 30 years of age and possessed a valid driving licence. He was working as a driver. Before joining the service of respondent No. 1, he had been employed by one Sanjay Janu Shinde, for whom he had driven a tempo for four years up to June 2018, earning a monthly salary of Rs. 15,000/-. In April 2018, respondent No. 1 purchased a truck and obtained a national permit for the transportation of goods. Respondent No. 1 represented that he used to receive transport contracts from distant places. As the deceased was a competent driver, respondent No. 1 employed him in his service. At that time, the deceased possessed a licence to drive a light motor vehicle. Accordingly, respondent No. 1 employed him as a trainee heavy motor vehicle driver on a monthly salary of Rs. 15,000/-, with an understanding that upon obtaining a heavy motor vehicle driving licence, his salary would be increased to Rs. 20,000/-. Thus, according to the applicants, the average monthly income of the deceased was Rs. 22,500/-. Applicant No. 1 is the widow of the deceased. Applicant Nos. 2 and 3 are his children, and Applicant No. 4 is his mother. They have no independent source of income and were dependent upon the earnings of the deceased. Respondent No. 1 had obtained an insurance policy in respect of the said vehicle from respondent No. 2. Therefore, respondent Nos. 1 and 2 are jointly and severally liable to pay compensation of Rs. 40,00,000/- to the applicants.

3. Respondent No. 1 filed his written statement at Exhibit 17. In the written statement, he contended that the accident did not occur due to his negligence. According to him, the accident occurred due to the negligence of the driver of Eicher Tempo No. MH-13-AX-4314. He further contended that a false criminal case had been registered against him. On the date of the accident, the deceased Ganesh was working with him as a trainee heavy motor vehicle driver. Prior thereto, the deceased had been working as a driver on the tempo of Sanjay Shinde and was drawing a monthly salary of Rs. 15,000/-. Respondent No. 1 had agreed to pay the deceased a monthly salary of Rs. 15,000/-. The vehicle of respondent No. 1 was duly insured with respondent No. 2. Therefore, respondent No. 2 is liable to indemnify him and pay the compensation, if any.

4. Respondent No. 2 filed its written statement at Exhibit 32 and contended that the applicants have claimed excessive compensation. It was further contended that the police failed to furnish information regarding the accident to the insurance company within the prescribed period, as required under the provisions of the Motor Vehicles Act. According to respondent No. 2, the driver of respondent No. 1's vehicle did not possess a valid driving licence. It was also contended that passengers were being carried in a goods vehicle and that the deceased was travelling therein after paying fare. Therefore, there was a breach of the terms and conditions of the insurance policy. Respondent No. 2

also denied the involvement of Truck No. MH-11-CH-2101 in the accident. It was also contended that the vehicle did not possess a valid fitness certificate. The applicants were put to strict proof regarding the age and income of the deceased. Respondent No. 2 denied all other averments made in the claim petition and prayed for its dismissal.

5. In view of the pleadings of the parties, my learned predecessor-in-office framed the following issues at Exhibit 19. My findings thereon, along with the reasons, are as follows:

Sr. No.	Issues	Findings
1.	Whether the claimants prove that deceased Ganesh Maruti Hirave died in motor vehicle accident, occurred on 17/10/2018, in which the vehicle Truck bearing No.MH-11-CH-2101 was involved?	In the affirmative.
2.	Whether claimants prove that, the said accident took place because of negligent act of opponent No.1?	In the affirmative
3.	Whether claim is maintainable?	In the affirmative.
4.	Whether the claimants are entitled for compensation?	Partly In the affirmative
5.	What order and award?	As per the final order.

:: REASONS ::**Issue Nos. 1 & 2 :-**

6. To prove the accident, the applicants examined Applicant No. 1. She reiterated the contents of the claim petition in her affidavit. She is not an eye-witness to the accident and has deposed on the basis of the police papers. The complaint (Exh. 20), the FIR (Exh. 21), the spot panchanama (Exh. 22), the inquest panchanama (Exh. 23), the post-mortem report (Exh. 24), the truck permit certificate (Exh. 25), the insurance policy (Exh. 26), the driving licence of respondent No. 1 (Exh. 27), and the driving licence of the deceased (Exh. 28) show that on 17/10/2018, at about 12:30 a.m., within the limits of Village Lodhawali, respondent No. 1, Premjit Sitaram Gade, while driving Truck No. MH-11-CH-2101, drove the vehicle in a rash and negligent manner and dashed it from behind against the stationary Eicher Tempo bearing Registration No. MH-13-AX-4314, which was parked on the extreme left side of the road. In the said accident, Ganesh Hirave, who was seated in the cabin of the truck driven by respondent No. 1, sustained fatal injuries and died.

7. Respondent No. 2 has contended that respondent No. 1 did not possess a valid driving licence to drive the said truck. However, the applicants have produced the driving licence of respondent No. 1 at Exhibit 27. Further, it is not the case of respondent No. 2 that respondent No. 1 had intentionally driven the vehicle without a valid driving licence. Respondent No. 2 has

not examined any witness to substantiate the said contention.

8. The oral as well as documentary evidence adduced by the applicants clearly establishes that respondent No. 1 drove Truck No. MH-11-CH-2101 in a rash and negligent manner and dashed it against the stationary truck parked on the extreme left side of the road, thereby causing the death of the deceased, who was seated in the cabin of the vehicle. Accordingly, I answer Issue Nos. 1 and 2 in the affirmative.

Issue No. 3:-

9. Respondent No. 2 has contended that respondent No. 1 was carrying the deceased as a passenger and, therefore, the claim petition is not maintainable against the insurer.

10. However, the written statement of respondent No. 1 clearly shows that the deceased had accompanied him as a trainee driver. Therefore, the insurance company is liable to indemnify the insured in respect of a driver or trainee driver travelling in the vehicle in connection with his employment. Consequently, the claim petition is maintainable against respondent No. 2. Hence, I answer Issue No. 3 in the affirmative.

Issue No. 4:

11. Applicant No. 1 has deposed that the deceased possessed a driving licence to drive commercial vehicles. Initially,

he was working as a driver under Sanjay Shinde on a monthly salary of Rs. 15,000/-. Thereafter, respondent No. 1 engaged him as a trainee heavy motor vehicle driver and assured him that, upon obtaining a heavy motor vehicle driving licence, his salary would be increased to Rs. 20,000/- per month. The applicants also examined Sandesh Shinde as Witness No. 2. He deposed that from 2014 till June 2018, the deceased had been working as a driver on his tempo and was drawing a monthly salary of Rs. 15,000/-.

12. Relying upon this evidence, the learned counsel for the applicants submitted that the monthly income of the deceased should be assessed at Rs. 20,000/-.

13. Per contra, the learned counsel for respondent No. 2 submitted that there is no documentary evidence to establish payment of such salary. According to him, the deceased was working merely as a cleaner on the vehicle of respondent No. 1 and, therefore, his income should be assessed notionally.

14. The applicants have produced the driving licence of the deceased at Exhibit 28, which shows that he possessed a valid licence to drive light motor vehicles. Having regard to the evidence on record, I am satisfied that the deceased was working as a driver and was earning Rs. 15,000/- per month. There is no reason to disbelieve the testimony of Applicant No. 1 or that of Witness No. 2. However, there is no satisfactory evidence to establish that the

deceased had started earning Rs. 20,000/- per month. Accordingly, I hold that the monthly income of the deceased was Rs. 15,000/-.

15. The applicants have produced the School Leaving Certificate of the deceased Ganesh (Exh. 41). It shows that his date of birth was 14/07/1984. The accident occurred on 17/10/2018. Therefore, on the date of the accident, the deceased was 34 years of age. The multiplier applicable to his age group is 16. Since the deceased was below 40 years of age, 40% of his income is required to be added towards future prospects. There were four dependants of the deceased. Hence, one-fourth (1/4th) of his income is required to be deducted towards his personal and living expenses.

16. Accordingly, the applicants are entitled to compensation towards loss of dependency and under the other conventional heads, as calculated below:

CALCULATION OF COMPENSATION

Sr. No.	Head of Compensation	Calculation	Amount (Rs.)
1.	Monthly Income	—	15,000/-
2.	Annual Income	$15,000 \times 12$	1,80,000/-
3.	Addition towards Future Prospects (40%)	$1,80,000 + 72,000$	2,52,000/-

Sr. No.	Head of Compensation	Calculation	Amount (Rs.)
4.	Deduction towards Personal and Living Expenses (1/4th)	2,52,000 – 63,000	1,89,000/-
5.	Loss of Dependency (Multiplier of 16)	1,89,000 × 16	30,24,000/-
6.	Loss of Estate	Convention al amount	18,150/-
7.	Funeral Expenses	Convention al amount	18,150/-
8.	Loss of Consortium	48,400 × 4 applicants	1,93,600/-
	Total Compensation		Rs. 32,53,900/-

Total Compensation = Rs.30,24,000/- + Rs. 18,150/- + Rs.
18,150/- + Rs.1,93,600/- = Rs.32,53,900/-

17. Thus, the applicants are entitled to compensation of Rs.32,53,900/-. The applicants are further entitled to recover the said compensation together with interest at the rate of 9% per annum from the date of institution of the claim petition till its actual realization. In the result, I answer Issue No. 4 partly in the affirmative and pass the following order:

ORDER

1. The petition is partly allowed.
2. The applicants are entitled to compensation of Rs. Rs.32,53,900/-. (Rupees Thirty Two Lakh Fifty Three Thousand Nine Hundred Only), inclusive of the amount, if any, paid towards no-fault liability (NFL), together with interest at the rate of 9% per annum from the date of filing of the claim petition till its actual realization from the respondents.
3. The amount of compensation shall be apportioned as follows:
 - i) An amount of Rs. 5,00,000/-(Rs. Five Lakh Only) be given to the applicant No.4.
 - ii) Out of the remaining amount, 60% amount be given to applicant No.1 and 20% amount be given to applicant No.2 and 3, separately.
 - iii) Out of the amount awarded to applicant No.1 to 3, 50% amount be kept in any Nationalized Bank for a period of 6 years, with liberty to withdraw the accrued interest periodically.
4. An award be drawn accordingly.

Place : Satara.
Date :10.08.2026

(S.R. Tamboli)
Member, M. A. C. Tribunal, Satara.